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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,526	09/29/2003	Timo Tokkonen	KOLS.051PA	1836

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/673,526	Applicant(s) TOKKONEN, TIMO	
	Examiner Pramila Parthasarathy	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication 7/16/2007. Claims 1 – 22 are currently pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Amended instant Claims 1 – 22 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over amended claims 1 – 6 and 8 – 21 of copending application 10/665,869. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of amended claims 1 – 22 correspond to the amended claims of 1 – 6 and 8 – 21 of the copending application, except in the instant claims the elements “predetermined objects ...wherein the objects are one or more letters, digits, figures,

images ...” is referred in the copending claims as “predetermined points ... wherein an image includes more than one predetermined points”. Amended Copending claims recite “detecting a touch on a predetermined point in one or more images” and “deactivating the device lock state upon detection of a predetermined number of touches on successive images including the selected predetermined point” which encompasses the instant application claims “detecting the selection order of the objects” and “changing the lock state when the detected object selection order differs from a given determined user-specific inter-object internal order by a predetermined parameter”. Thus copending application claims anticipates the instant claims.

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC)* 29 USPQ2d 2010 (12/3/1993).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

4. Applicant's arguments filed July 16, 2007 have been fully considered but they are not persuasive for the following reasons:

Jalili discloses a system and method of secure data entry wherein the system includes a server subsystem (database) capable of generating display images containing icons, each icon associated with data and a client subsystem, where generated images are displayed randomly. Jalili further discloses that the server subsystem compares the selected icon by the user, with the icon location information (images) and associated data stored in the server subsystem to identify the data that was originally input by the user. The server subsystem is thus able to determine the input data that the user input into the client subsystem without directly exposing that data to observation or interception.

Applicant argues that the Jalili does not teach, “determining at least one user-specific inter-object internal order of objects in database” and “the internal order is an order of the predetermined objects in the database and that the objects displayed are a random subset of the predetermined objects”. These arguments are not found persuasive. Jalili teaches, “determining at least one user-specific inter-object internal order of objects in database” and “the internal order is an order of the predetermined objects in the database and that the objects displayed are a random subset of the predetermined objects” (Column 6 lines 4 – 48; Column 7 lines 7 – 45 and Column 8 line 42 – Column 9 line 34). Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the amended subject matter broadly recited in the amended independent claims. The dependent claims are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office

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action. Accordingly, the rejection for the pending claims 1 – 22 is respectfully maintained.

Examiner would like to point out that although Examiner had cited particular columns and lines numbers in the references as applied to the claims for the convenience of the applicant, the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim. It is valid that other relevant passages and figures may apply as well to substitute the specified teachings. Therefore, it is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Examiner suggests applicant to amend the claims in a manner to distinct applicant's invention with prior art with **attention** given to the specification paragraphs [0024 – 0025 and 0032 – 0033].

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 – 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims recite, “predetermined parameter” which is not disclosed in the instant specification and Applicant’s remarks does not clarify where in the specification, limitation “predetermined parameter” is disclosed. Applicant generally directs to instant specification paragraph [0016 and 0017], which fail to disclose, “predetermined parameter”. Dependent claims are rejected at least by the virtue of their dependency on parent claims.

Dependent claims 5 – 7 and 16 – 18 are further rejected as they recite “within a predetermined parameter” which is not disclosed in the instant specification. Applicant’s remarks does not clarify where in the instant specification, limitation “within a predetermined parameter” is disclosed.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Jalili (U.S. Patent Number 6,209,104).

7. As per Claims 1 and 11, Jalili teaches, “creating a database from predetermined objects (Fig. 3 and Column 5 lines 62 – 65);

determining at least one user-specific inter-object internal order of the predetermined objects in the database (Column 6 lines 4 – 8);

detecting a control command for starting the control of the locking function (Column 6 lines 22 – 28);

displaying a random subset of the predetermined objects on the display of the locking arrangement once the control command is detected (Column 6 lines 32 – 48) ;

detecting the selection order of the objects; and changing the lock state when the detected object selection order differs from a determined user-specific inter-object internal order by a predetermined parameter” (Column 6 lines 32 – 48).

8. As per Claims 2 and 14, Jalili teaches, “displaying the random subset of objects in a random order on the display.” (Column 6 lines 54 – 57 and Column 7 lines 38 – 45).

9. As per Claims 3 and 15, Jalili teaches, “identifying the determined user-specific inter-object internal order based on the detected control command.” (Column 8 lines 1 – 15).

10. As per Claim 4, Jalili teaches, “the objects are one or more letters, digits, figures, images, songs or a combination thereof including two or more objects” (Column 6 lines 9 – 13).

11. As per Claims 5 and 16, Jalili teaches, “changing the determined user-specific inter-object internal order when the detected object selection order is within the predetermined parameter of the determined user-specific inter-object internal order” (Column 8 lines 1 – 15 and Column 9 lines 11 – 34).

12. As per Claims 7 and 18, Jalili teaches, “entering an arrangement lock state when a predetermined number of such successive object selection orders are detected, wherein the object selection orders are not within the predetermined parameter of the determined user-specific inter-object internal order” (Column 8 lines 1 – 15 and Column 9 lines 11 – 34).

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13. As per Claims 8 and 19, Jalili teaches, “establishing a short-range wireless connection and detecting the control command for starting the control of the locking function via the short-range wireless connection” (Column 5 lines 35 – 50).

14. As per Claim 9, Jalili teaches, “establishing a short-range wireless connection and detecting the object selection order via the short-range wireless connection” (Column 5 lines 35 – 50).

15. As per Claims 10 and 20, Jalili teaches, “determining the user-specific inter-object internal order in one or more user profiles of the arrangement” (Column 8 lines 1 – 15).

16. As per Claim 21, Jalili teaches, “the arrangement for controlling a locking function is in a portable electronic device” (Column 3 lines 12 – 23).

17. As per Claim 22, Jalili teaches, “the arrangement for controlling a locking function is in a door or gate” (Column 3 lines 12 – 23).

18. As per Claims 6 and 17, Jalili teaches, “using learning algorithms and/or intelligent networks in changing the determined user-specific inter-object internal order” (Column 8 lines 11 – 34).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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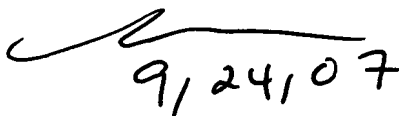
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
September 22, 2007.

NASSER MOAZZAMI
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9,24,07